

BAKER BOTTS LLP*Fax receipt will not be confirmed by phone unless requested.***RECEIVED
CENTRAL FAX CENTER****MAR 16 2005**30 ROCKEFELLER PLAZA
NEW YORK, NEW YORK
10112-4498
212.408.2500
FAX 212.408.2501
www.bakerbotts.comAUSTIN
BAKU
DALLAS
HOUSTON
LONDON
MOSCOW
NEW YORK
RIYADH
WASHINGTONFROM David Loretto
DATE March 16, 2005
PAGES 20 (including cover)VOICE NO. 212-408-2584
FAX NO. 212-259-2584
RETURN TO Teresa Melody

TO Wynette Stapor, Technology Center 2800, USPTO

FAX NO. 703 872 9306
VOICE NO. 571 272 1626**MESSAGE**Re: U.S. Patent Application Serial No. 09/975,114
For "ELECTRICAL CONNECTOR"
Our File No.: A34699 - 070793.0139

Dear Ms. Stapor

Further to our telephone conversation of last week, please find attached a copy of the missing Request for Reconsideration on Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action that was mailed to the Office of Petitions on January 28, 2004, together with the receipt postcard bearing the PTO date stamp "Feb. 2, 2004." I have attached a copy of a facsimile receipt showing that these papers were also faxed to the Office of Petitions on October 21, 2004.

If possible, could you confirm receipt of this facsimile and let us know when we are likely to receive a decision on the request for reconsideration. Thank you very much for all your help.

Very truly yours,



David Loretto

NY02:515046.1 Notice of Confidentiality

The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Botts LLP by telephone at 212.408-2500 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.

If you do not receive all pages, please call: 212.408-2500 for assistance.

BILLING NO. 070793.0139

ATTORNEY/EMPLOYEE NO. 04349

CRITICAL DEADLINE, SEND BY

PAGE 1/20 * RCVD AT 3/16/2005 9:10:01 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/2 * DNIS:8729306 * CSID:212 408 2501 * DURATION (mm-ss):05-58

Attorney Docket No. A34699 070793.0139
Serial No. 09/975,114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ohtsuki, Tomonari
Serial No. : 09/975,114 Examiner : Nguyen, Khiem M.
Filed : October 11, 2001 Group Art Unit: 2839
For : ELECTRICAL CONNECTOR

**REQUEST FOR RECONSIDERATION ON PETITION TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

I hereby certify that this paper is being deposited with the United States
Postal Service as first class mail in an envelope addressed to Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

January 28, 2004

Date of Deposit

Eric J. Faragi

Agent Name

Eric J. Faragi
Signature

51,259

PTO Reg. No.

January 28, 2004

Date of Signature

RECEIVED
CENTRAL FAX CENTER

MAR 16 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On September 3, 2003, Attorneys for Applicant received a Notice of Abandonment for the failure to file a response to an Office Action dated December 18, 2002. A true and correct copy of the Notice of Abandonment is attached hereto.

Applicant's attorneys of record, Baker Botts LLP, however, never received a copy of the Office Action, and as such, could not reply to it. A search of the file jacket and docket records indicates that the Office communication was not received.

Attorney - Docket No. A34699 070793.0139
Serial No. 09/975,114

In accordance with M.P.E.P. § 711.03(c) "Petition to withdraw holding of abandonment based on failure to receive office action," Applicant submits it never received the Office Action that was mailed on December 18, 2002 and therefore cannot respond to it.

Applicant's attorney sent a status letter to the Patent Office on July 9, 2003, stating that "our periodic docket check indicates that to date we have not received an Office Action in the above-referenced application." The stamp of the Patent Office Mailroom was dated July 14, 2003 on the return postcard.

A copy of the docket record for Paul Ragusa, the attorney of record in the instant application, for March 18, 2003 and June 18, 2003, the three and six month dates from the Office Action mailing date is enclosed herewith. The docket record shows no entry for the above-referenced application.

Applicant's attorney filed a petition to withdraw the holding of abandonment based on the aforementioned facts. The Patent Office dismissed the petition on January 7, 2004 because the docket record needed further explanation. Applicant now offers further explanation and respectfully requests reconsideration of the petition.

The docket record enclosed (previously and herewith), shows the files with actions due on March 18, 2003 and June 18, 2003 for Paul Ragusa, the attorney of record in the instant application. Thus, if the Office Action were received and docketed by Baker Botts LLP, the docket records for March 18, 2003 and June 18, 2003 are where the non-received Office Action would have been entered.


Applicant requests the holding of Abandonment of the application be withdrawn and a copy of the Office Action, redated to the mailing date of the Patent Office's response to this communication, to be resent.

Attorney - Ticket No. A34699 070793.0139
Serial No. 09/975,114

Applicant does not believe that any fee is required in connection with the submission of this document. However, should any additional fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377.


Respectfully submitted,
BAKER BOTTS L.L.P.

By:


Paul A. Ragusa
Patent Office Reg. No. 38,587
Attorneys for Applicants

Eric J. Faragi
Patent Office Reg. No. 51,259
Agent for Applicants

30 Rockefeller Plaza
New York, NY 10012-4498
212-408-2500

BAKER BOTTS LLPPlease type a plus sign (+) inside this box → **TRANSMITTAL
FORM**

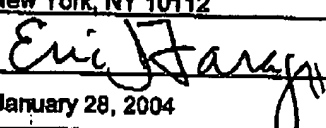
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/975,114
	Filing Date	October 11, 2001
	First Named Inventor	Tomonari Ohtsuki
	Group Art Unit	2839
	Examiner Name	Nguyen, Khiem M.
Total Number of Pages in This Submission	Attorney Docket Number	A34899 070793.0139


ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Etc.) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): See below
Remarks <input checked="" type="checkbox"/> 1. Copy of Office Action dated January 28, 2004; 2. Transmittal Form; 3. Fee Transmittal Form; 4. Return receipt postcard.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	 Att Name: Eric J. Faragi PTO Reg: 51,259
Date	January 28, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: January 28, 2004		
Typed or printed name	Eric J. Faragi	
Signature		Date January 28, 2004

BAKER BOTTS LLP**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT(\$)**0****Complete If Known**

Application Number	09/975,114
Filing Date	October 11, 2001
First Named Inventor	Tomonari Ohtsuki
Examiner Name	Nguyen, Khiem M.
Group Art Unit	2839
Attorney Docket No.	A34698 070793.0139

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number
02-4377
Deposit
Account
Name
Baker Botts LLP

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
740	370	Utility filing fee	
330	165	Design filing fee	
510	255	Plant filing fee	
740	370	Reissue filing fee	
160	80	Provisional filing fee	

SUBTOTAL (1) (\$)**0****2. EXTRA CLAIM FEES**

Total Claims 20 -- 0 X = 0
Independent Claims 3 -- 0 X = 0
Multiple Dependent

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
18	9	Claims in excess of 20
84	42	Independent claims in excess of 3
280	140	Multiple dependent claim, if not paid
84	42	** Reissue independent claims over original patent
18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**0**

*For number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for ex parte reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
400	200	Extension for reply within second month	
920	460	Extension for reply within third month	
1,440	720	Extension for reply within fourth month	
1,960	980	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,280	640	Petition to revive - unintentional	
1,280	640	Utility issue fee (or reissue)	
460	230	Design issue fee	
620	310	Plant issue fee	
130	130	Petitions to the Commissioner	
80	60	Processing fee under 37 CFR 1.17(a)	
180	180	Submission of Information Disclosure Stmt	
40	40	Recording each patent assignment per property (times number of properties)	
740	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
740	370	For each additional invention to be examined (37 CFR § 1.129(b))	
740	370	Request for Continued Examination (RCE)	
900	800	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**0****SUBMITTED BY**

Name (Printed)	Eric J. Faragi	Registration No. (Attorney/Agent)	51,259	Complete (if applicable) Telephone	212.408.2591
Signature	<i>Eric J. Faragi</i>	Date	January 28, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Attorney's  let No. A34699 070793.0139
Serial No. 09/975,114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ohtsuki, Tomonari
Serial No. : 09/975,114 Examiner : Nguyen, Khiem M.
Filed : October 11, 2001 Group Art Unit: 2839
For : ELECTRICAL CONNECTOR

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE
TO RECEIVE OFFICE ACTION**

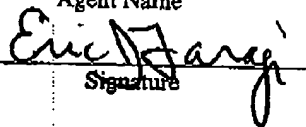
I hereby certify that this paper is being deposited with the United States
Postal Service as first class mail in an envelope addressed to Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

September 11, 2003

Date of Deposit

Eric J. Faragi

Agent Name


Signature51,259

PTO Reg. No.

September 11, 2003

Date of Signature

RECEIVED
CENTRAL FAX CENTER

MAR 16 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On September 3, 2003, Attorneys for Applicant received a Notice of Abandonment for the failure to file a response to an Office Action dated December 18, 2002. A true and correct copy of the Notice of Abandonment is attached hereto.

Applicant's attorneys of record, Baker Botts LLP, however, never received a copy of the Office Action, and as such, could not reply to it. A search of the file jacket and docket records indicates that the Office communication was not received.

In accordance with M.P.E.P. § 711.03(c) "Petition to withdraw holding of abandonment based on failure to receive office action," Applicant submits it never received the Office Action that was mailed on December 18, 2002 and therefore cannot respond to it.

Attorney Docket No. A34699 070793.0139
Serial No. 09/975,114

Applicant's attorney sent a status letter to the Patent Office on July 9, 2003, stating that "our periodic docket check indicates that to date we have not received an Office Action in the above-referenced application." The stamp of the Patent Office Mailroom was dated July 14, 2003 on the return postcard.

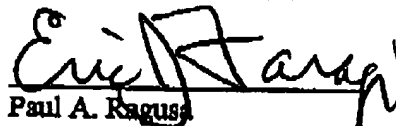
A copy of the docket record for March 18, 2003 and June 18, 2003, the three and six month dates from the Office Action mailing date is enclosed herewith. The docket record shows no entry for the above-referenced application.

Applicant requests the holding of Abandonment of the application be withdrawn and a copy of the Office Action, redated to the mailing date of the Patent Office's response to this communication, to be resent.

Applicant does not believe that any fee is required in connection with the submission of this document. However, should any additional fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377.

Respectfully submitted,
BAKER BOTTS L.L.P.


By:


Paul A. Ragusa
Patent Office Reg. No. 38,587

Attorneys for Applicants

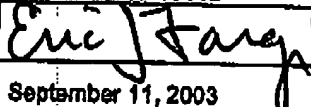
Eric J. Faragi
Patent Office Reg. No. 51,259
Agent for Applicants


30 Rockefeller Plaza
New York, NY 10012-4498
212-408-2500

BAKER BOTTS LLPPlease type a plus sign (+) inside this box → 

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/975,114
	Filing Date	October 11, 2001
	First Named Inventor	Tomonari Ohtsuki
	Group Art Unit	2839
	Examiner Name	Nguyen, Khlem M.
Total Number of Pages in This Submission	Attorney Docket Number	A34699 070793.0139

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): See below
Remarks <input checked="" type="checkbox"/> 1. Copy of Office Action dated August 27, 2003. 2. A copy of the docket record for March 18, 2003 and June 18, 2003. 3. Return receipt postcard.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	 Att Name: Eric J. Faragi PTO Reg: 51,289
Date	September 11, 2003

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: September 11, 2003	
Typed or printed name	Eric J. Faragi
Signature	
Date	September 11, 2003

BAKER BOTTS LLP**FEE TRANSMITTAL
for FY 2002***Patent fees are subject to annual revision.***TOTAL AMOUNT OF PAYMENT**(\$)**0****Complete If Known**

Application Number	09/975,114
Filing Date	October 11, 2001
First Named Inventor	Tomonari Ohtsuki
Examiner Name	Nguyen, Khiem M.
Group Art Unit	2839
Attorney Docket No.	A34899 070793.0139

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

02-4377

Deposit
Account
Name

Baker Botts LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee (\$)

Fee (\$)

Fee Description

Fee Paid

740

370

Utility filing fee

330

185

Design filing fee

510

255

Plant filing fee

740

370

Reissue filing fee

160

80

Provisional filing fee

SUBTOTAL (1) (\$)**0****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
20	0	0	0
3	0	0	0

Large Entity Small Entity

Fee (\$)

Fee (\$)

Fee Description

18

9

Claims in excess of 20

84

42

Independent claims in excess of 3

239

140

Multiple dependent claim, if not paid

84

42

** Reissue independent claims over original patent

18

9

** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**0**

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for ex parte reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
400	200	Extension for reply within second month	
920	460	Extension for reply within third month	
1,440	720	Extension for reply within fourth month	
1,960	980	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,280	640	Petition to revive - unintentional	
1,280	640	Utility issue fee (or reissue)	
460	230	Design issue fee	
820	410	Plant issue fee	
130	130	Petitions to the Commissioner	
50	50	Processing fee under 37 CFR 1.17(c)	
180	180	Submission of Information Disclosure Sheet	
40	40	Recording each patent assignment per property (times number of properties)	
740	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
740	370	For each additional invention to be examined (37 CFR § 1.129(b))	
740	370	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**0****SUBMITTED BY**

Name (Printed)

Eric J. Farag

Signature

Eric J. Farag

Registration No.
(Attorney/Agent)

51,259

Complete (if applicable)

Telephone

212.408.2591

Date

September 11, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.